DESCENT AND DISTRIBUTION—MURDER OF ANCESTOR.—IN RE KUHN'S ESTATE, 101 N. W. 151 (IOWA).—*Held*, that a widow who was the murderer of her husband takes her distributive share of his estate as a matter of contract and is not deprived by a statute providing that "no person who feloniously takes the life of another shall inherit from such person any portion of his estate."

Authority on this point of law is extremely meager. In *Owens v. Owens*, 100 N. C. 240, it was held that a wife who was convicted and imprisoned for life as an accessory to the murder of her husband is not barred of her right of dower. This case is criticised in *Riggs v. Palmer*, 115 N. Y. 506, as being opposed to the fundamental maxims of the common law, such as that no one shall be allowed to take advantage of his own wrong, or acquire property by his own crime; the court held that an heir or donee who murdered his ancestor will not be permitted to have any benefit as such heir or donee. The rule in New York now is that the murderer takes the title to the property at law but equity will compel him to hold as trustee *ex maleficio*, for the representatives of his victim. The heir was held entitled to the property of his murdered ancestor in *Dum v. Millikin*, 3 Ohio Cir. Dec. 491; *Carpenter's Estate*, 170 Pa. St. 203; *Shellenberger v. Ransom*, 41 Neb. 631, *overruling* on rehearing previous decision in 31 Neb. 61.

EQUITY—ELECTION.—TRIPP V. NOBLES, 48 S. E. 675 (S. C.).—A husband provided in his will that his wife should have a life estate in certain real estate which she already owned and he also left her a certain amount of personal property. She would have received an equal amount of personal property by the statute of distributions. *Held*, that in accepting the personal property she exercised an equitable election to take under the will and thus was entitled only to a life estate in the realty. Walker and Douglas, JJ., *dissenting*.

The dissenting opinion seems to be more in accordance with the general principles of the law. The doctrine of election, as stated in *Bispham's Equity, 6th Ed.*, 418, obtains only when there is a benefit received by the one put to election. In the present case no extra benefit was received by taking under the will. The cases sustaining the majority opinion are those where an actual benefit was received, although its acceptance entailed greater burdens. The case of *Stone v. Vandermark*, 146 Ill. 312, held that acceptance of a provision which the acceptor would have received anyway did not constitute an implied election. Somewhat similar was *Compher v. Compher*, 25 Pa. 31. The better rule would seem to be that, when the actions of the distributee are entirely consistent with taking against the will, election under the will will not be implied. 2 *Story, Equity*, 11 *Ed.*, 375; *Edwards v. Morgan*, 13 Price 782; *Thurston v, Clifton*, 21 Beav. 447.

EVIDENCE—PRIVILEGED COMMUNICATIONS—PHYSICIAN—CONSTRUCTION OF STATUTE.—BATTIS V. CHICAGO, R. I. & P. R. CO., 100 N. W. 543 (IOWA).—*Held*, that a statute, providing that confidential communications made to a physician should be privileged, shall be extended to include all knowledge and information acquired, by the physician, while in his professional capacity. Deemer, C. J., and Weaver, J., *dissenting*.

Communications from patient to physician were not privileged at common law. *Boyle v. Northwestern Mut. Relief Assoc.*, 95 Wisc. 320. This was based on grounds of public justice. *Rex v. Gibbons*, 1 C. & P. 97. But in most states statutes have been enacted making such communications privi-